

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY TODD PEASLEY,

Defendant.

No. 14-CR-4065-DEO

**ORDER ACCEPTING REPORT
AND RECOMMENDATION
CONCERNING GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

Before the Court is Magistrate Judge Leonard T. Strand's Report and Recommendation Concerning Guilty Plea (Docket No. 45).

On August 27, 2014, a one count Indictment (Docket No. 2) was filed in the above-referenced case. On December 8, 2014, Defendant Gregory Todd Peasley entered a guilty plea to Count 1 of the Indictment before United States Magistrate Judge Leonard T. Strand.

Count 1 of the Indictment charges that from between about winter of 2011 through August 27, 2014, in the Northern District of Iowa and elsewhere, defendant Gregory Todd Peasley did knowingly and intentionally combine, conspire, confederate, and agree with persons known and unknown to the

Grand Jury, to distribute 50 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance.

This was in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and 846.

The Report and Recommendation (Docket No. 45), states that there is a plea agreement¹ and recommends that defendant Gregory Todd Peasley's guilty plea be accepted. Waivers of objections to Judge Strand's Report and Recommendation were filed by each party (Docket Nos. 46 and 47). The Court, therefore, undertakes the necessary review to accept defendant Gregory Todd Peasley's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

¹ On file under seal at Docket No. 48.

A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

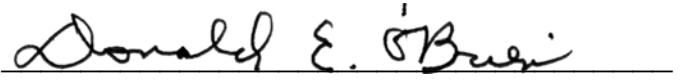
FED. R. CIV. P. 72(b).

As mentioned, waivers of objections to the Report and Recommendation have been filed, and it appears to the Court upon review of Magistrate Judge Strand's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Magistrate Judge Strand's Report and Recommendation (Docket

No. 45), and accepts defendant Gregory Todd Peasley's plea of guilty in this case to Count 1 of the Indictment (Docket No. 2).

IT IS SO ORDERED this 22nd day of January, 2015.


Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa